

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION**

UNITED STATES OF AMERICA, )  
 )  
 ) Case No. 2:17CR00015-003  
 )  
 )  
 v. ) **OPINION**  
 )  
 )  
 LESLIE ANN CLASBY, ) By: James P. Jones  
 ) United States District Judge  
 )  
 Defendant. )

*Leslie Ann Clasby, Pro Se Defendant.*

The defendant, Leslie Ann Clasby, proceeding pro se, filed a motion, seeking a reduction in her sentence of imprisonment based on Amendment 794 to the United States Sentencing Guidelines Manual. I conditionally construed and filed this pleading as a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. After further submissions from Clasby, however, I conclude that the § 2255 action must be dismissed without prejudice.

Clasby pleaded guilty in this court to one count of conspiring to possess with the intent to distribute five grams or more of methamphetamine. For this offense, I sentenced her on April 10, 2018, to 84 months in prison. The judgment was entered the next day, and Clasby did not appeal or file a previous § 2255 motion.

Clasby filed the instant motion seeking a sentence reduction in April of 2019. By order entered April 30, 2019, pursuant to *Castro v. United States*, 540

U.S. 375 (2003), I notified Clasby of my intention to address her motion as a § 2255 motion and offered her an opportunity to object to that construction. She has responded, stating her intention to have the motion considered as arising under 18 U.S.C. § 3582(c). I construe her submission as an objection to having the motion addressed as one arising under § 2255 motion. Therefore, I will dismiss the conditionally filed § 2255 action without prejudice.

A separate Final Order will be entered herewith.

DATED: May 24, 2019

/s/ James P. Jones  
United States District Judge